



Department of Defense Assistant to The Secretary of Defense (Intelligence Oversight)



Intelligence Oversight

***Combatant Command and Joint
Inspector General Orientation Course***



POINT OF CONTACT

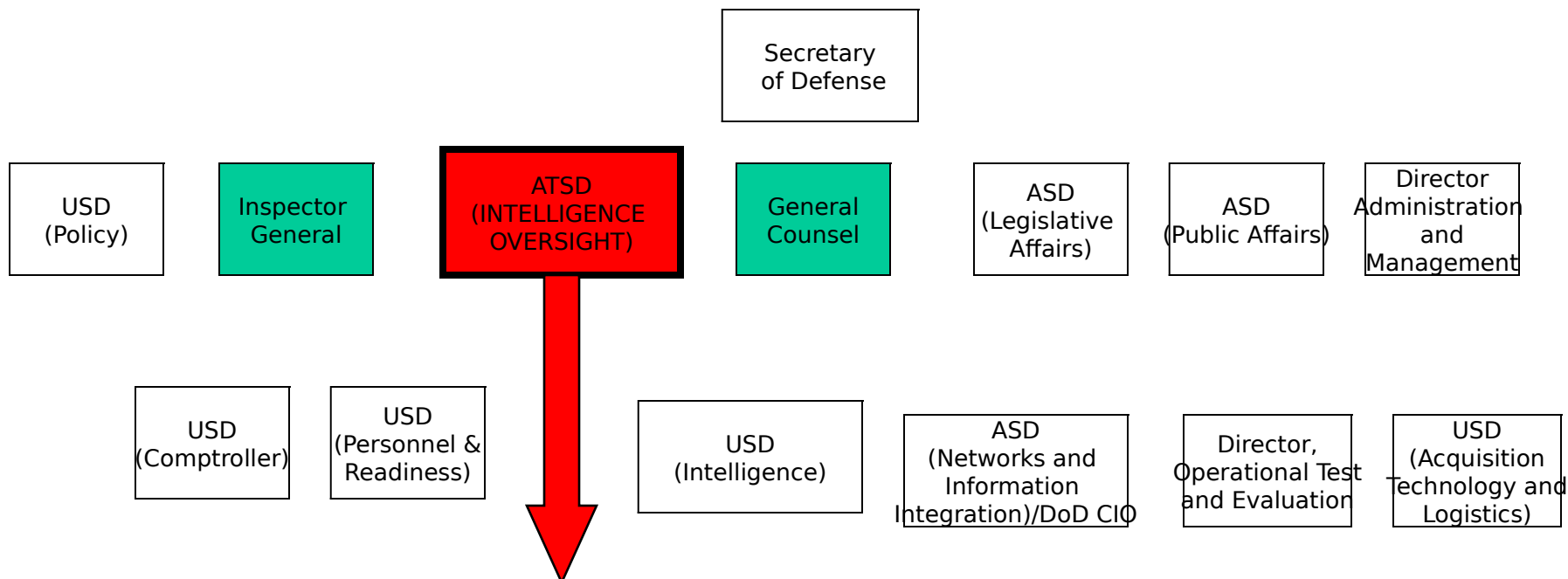


**Counsel to ATSD(IO)
(703) 275-6554**

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Intelligence Oversight Responsibility



**OVERSIGHT OF
ALL INTELLIGENCE ACTIVITIES
IN THE DEPARTMENT OF DEFENSE**



INTELLIGENCE OVERSIGHT



The purpose of the Intelligence Oversight process is to **enable DoD intelligence components to carry out effectively their authorized functions** while ensuring their **activities that affect U.S. persons are carried out in a manner that protects the constitutional rights and privacy of such persons.**



Enabling Learning Objectives (ELOs)



- Identify the key directives guiding intelligence oversight.
- Describe the roles of key agencies in intelligence oversight.
- Describe the reporting procedures for questionable intelligence activities.



Key Directives



- **Executive Order 12333**
 - **DoD Directive 5240.1-R**
 - **Joint Staff Regulation CJCSI 5901.01**
 - **Service and Agency Regulations**
 - e.g. AR 381-10
-



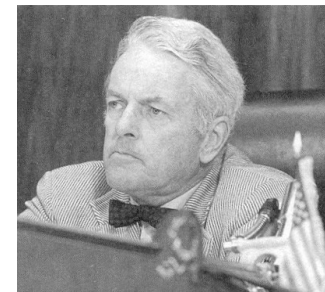
BACKGROUND



Dr. Martin Luther King, Jr.



Senator Frank Church



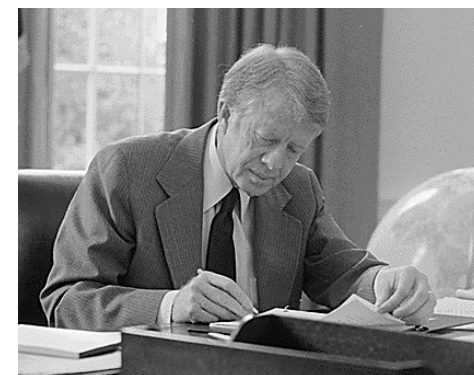
Representative Otis Pike

CIVIL RIGHTS MOVEMENT



ANTI-VIETNAM WAR MOVEMENT

CONGRESSIONAL HEARINGS

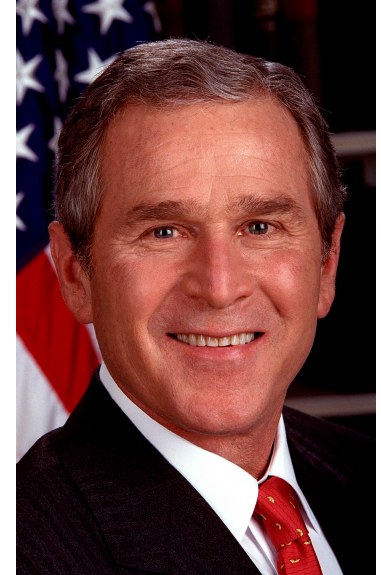


EXECUTIVE ORDERS



BACKGROUND

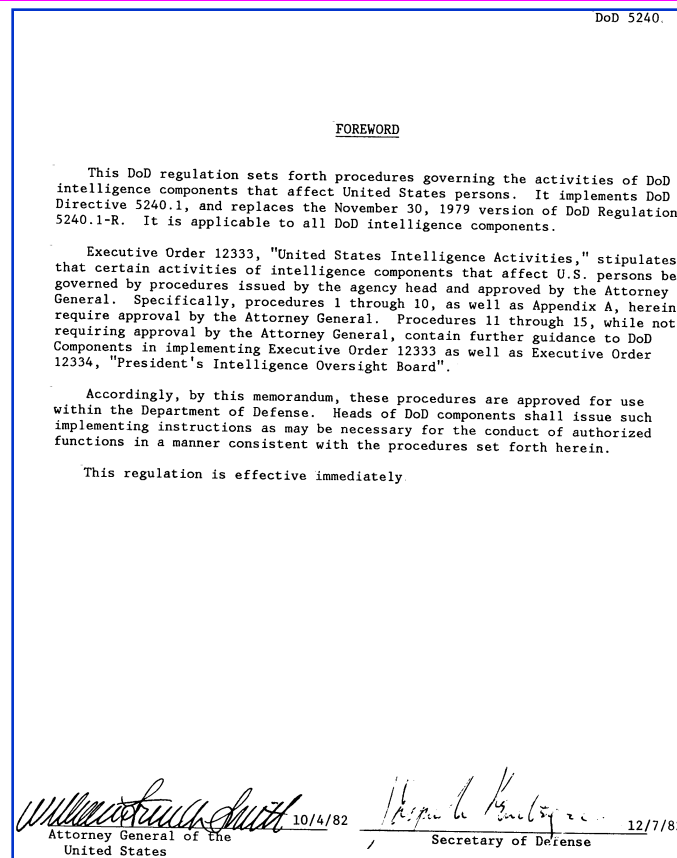
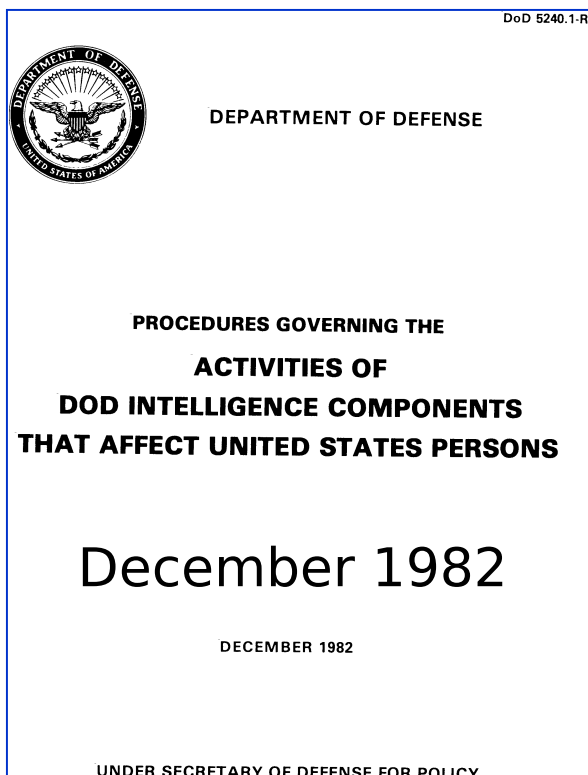
EXECUTIVE ORDER 12333



**PRESIDENT REAGAN SIGNED E.O.12333
IN 1981
STILL CURRENT**



DoD 5240.1-R



Attorney
General

Secretary of
Defense

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REQUIREMENTS

DOD 5240.1-R PROCEDURES



1. **APPLIES TO ALL PERSONNEL ENGAGED IN COLLECTION, PRODUCTION, OR DISSEMINATION OF FOREIGN INTELLIGENCE OR COUNTERINTELLIGENCE**
 2. **COLLECTION: WHAT, WHEN AND HOW INFORMATION MAY BE COLLECTED ABOUT U.S. PERSON**
 3. **RETENTION: U.S. PERSONS INFORMATION, WHEN AUTHORIZED**
 4. **DISSEMINATION: U.S. PERSON INFORMATION MAY BE DISSEMINATED WHEN AUTHORIZED**
 14. **EMPLOYEE CONDUCT GUIDELINES**
 15. **QUESTIONABLE ACTIVITIES AND HOW TO DEAL WITH THEM**
-

REPORT PROFESSIONAL INTELLIGENCE MISCONDUCT



U.S. PERSON

- A **U.S. CITIZEN**
 - AN ALIEN KNOWN BY THE DOD INTELLIGENCE COMPONENT CONCERNED TO BE A **PERMANENT RESIDENT ALIEN**
 - AN **UNINCORPORATED ASSOCIATION** SUBSTANTIALLY COMPOSED OF U.S. CITIZENS OR PERMANENT RESIDENT ALIENS
 - A **CORPORATION INCORPORATED IN THE U.S.** , EXCEPT FOR A CORPORATION DIRECTED AND CONTROLLED BY A FOREIGN GOVERNMENT OR GOVERNMENTS
-



PROCEDURE TWO: Collection of Information about US Persons



Information that identifies a United States person may be collected by a DoD intelligence component **only if it is necessary to the conduct of a function assigned the collecting component, and only if it falls within one of the following categories:**



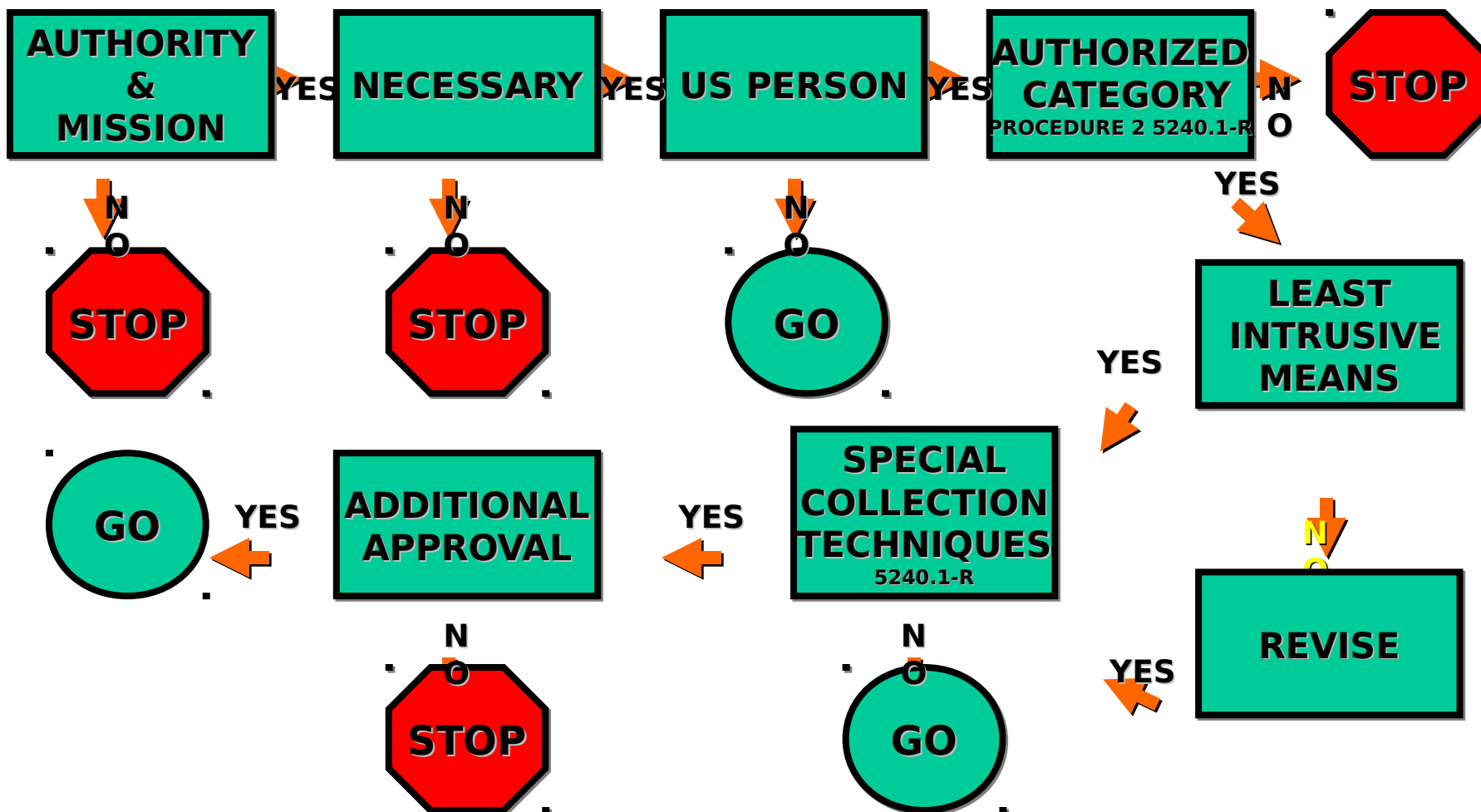
PROCEDURE TWO: COLLECTION OF INFORMATION ABOUT US PERSONS



- 1. Information obtained with consent**
- 2. Publicly available information**
- 3. Foreign Intelligence**
- 4. Counterintelligence**
5. Potential sources of assistance to intelligence activities
6. Protection of intelligence sources and methods
- 7. Physical Security**
8. Personnel Security
9. Communications security
10. Narcotics
- 11. Threats to safety**
12. Overhead reconnaissance
13. Administrative purposes



THE PROCESS





Role of Key Agencies in Intelligence Oversight



- **DIRECTOR/COMMANDER**
- **INSPECTOR GENERAL**
- **JUDGE ADVOCATE GENERAL AND/OR GENERAL COUNSEL**
- **SENIOR INTELLIGENCE OFFICER**
- **INTELLIGENCE OVERSIGHT OFFICER**
- **SUPERVISORS**
- **UNIT PERSONNEL**





Key Agencies in Intelligence Oversight



DEPARTMENT

S

- U.S. ARMY*
- U.S. NAVY
- U.S. AIR FORCE*

* National Guard Bureau

• AGENCIES

- NATIONAL SECURITY AGENCY
- DEFENSE INTELLIGENCE AGENCY
- NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY
- NATIONAL RECONNAISSANCE OFFICE



COMBATANT COMMANDS

- JOINT FORCES
- NORTHERN
- TRANSPORTATION
- SPECIAL OPERATIONS
- STRATEGIC
- EUROPE
- PACIFIC
- CENTRAL
- SOUTHERN



REPORTING QUESTIONABLE INTELLIGENCE ACTIVITIES

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A QUESTIONABLE INTELLIGENCE ACTIVITY MAY VIOLATE



- LAW
- EXECUTIVE ORDER
- PRESIDENTIAL DIRECTIVE
- DOD POLICY
- AGENCY/COMMAND GUIDANCE

EO 12333, United States Intelligence Activities

*DoD 5240.1-R, Procedures Governing the Activities of DoD
Intelligence*

Components that Affect United States

Persons

MORE THAN THE US PERSON ISSUE

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RECOGNITION EXAMPLES



- ALLEGED ABUSE AND MISTREATMENT OF DETAINEES OR PRISONERS BY OR DIRECTED BY INTEL PERSONNEL
 - TASKING INTEL PERSONNEL TO CONDUCT ACTIVITIES NOT PART OF THE COMPONENT'S APPROVED MISSION
 - FAILURE TO FILE PROPER USE STATEMENTS FOR IMAGERY COLLECTION ASSOCIATED WITH US PERSONS
-



PROCEDURE 15: IDENTIFYING, INVESTIGATING, AND REPORTING QUESTIONABLE ACTIVITIES



RESPONSIBILITIES

- **EMPLOYEES**
- **INSPECTORS GENERALS**
- **JAGs AND GCs**
- **DoD GC AND ATSD(IO)**



PROCEDURE 15: IDENTIFYING, INVESTIGATING, AND REPORTING QUESTIONABLE ACTIVITIES



- **EMPLOYEES:** REQUIRED TO REPORT SUSPECTED VIOLATIONS TO THEIR IG OR JAG/GC; OR TO THE ATSD(IO) OR DoD GC
 - ✓ PROPER COMMAND EMPHASIS
 - ✓ INTELLIGENCE OVERSIGHT PROGRAM
 - ✓ INTELLIGENCE OVERSIGHT OFFICER
 - ✓ TAILORED TRAINING
 - ✓ TRAINED ON THEIR RESPONSIBILITIES: HOME STATION, TDY/TAD, AND OR DETAILED
 - ✓ PROTECTION FROM REPRISAL OR ADVERSE ACTION
-



PROCEDURE 15: IDENTIFYING, INVESTIGATING, AND REPORTING QUESTIONABLE ACTIVITIES



- **INSPECTORS GENERAL SHALL ENSURE:**
 - ESTABLISHED REPORTING PROCEDURES
 - EMPLOYEES UNDERSTAND REPORTING RESPONSIBILITIES
 - INTELLIGENCE ACTIVITIES ARE IN COMPLIANCE
 - JAG/GC IS ADVISED OF ALL QUESTIONABLE ACTIVITIES
 - QUESTIONABLE ACTIVITIES ARE INVESTIGATED
 - ENSURE PROPER NOTIFICATION OF ATSD(IO) AND DoD GC:
 - ✓ SERIOUS: REPORT IMMEDIATELY
 - ✓ OTHERS: QUARTERLY REPORT
-



PROCEDURE 15: IDENTIFYING, INVESTIGATING, AND REPORTING QUESTIONABLE ACTIVITIES



- **JAGs AND GCs SHALL ENSURE:**
 - INTELLIGENCE ACTIVITIES ARE IN COMPLIANCE
 - THE IG IS ADVISED OF ALL REPORTS OF QUESTIONABLE INTELLIGENCE ACTIVITIES
 - PROPER NOTIFICATION OF ATSD(IO) AND DoD GC:
 - ✓ SERIOUS: REPORT IMMEDIATELY
 - ✓ OTHERS: QUARTERLY REPORT



PROCEDURE 15: IDENTIFYING, INVESTIGATING, AND REPORTING QUESTIONABLE ACTIVITIES



- **THE DoD GC AND THE ATSD(IO):**
 - MAY REVIEW FINDINGS OF QUESTIONABLE INTELLIGENCE ACTIVITIES
 - ADVISE APPROPRIATE OSD OFFICIALS
 - SHALL REPORT TO THE INTELLIGENCE OVERSIGHT BOARD IN A TIMELY MANNER
 - ✓ SERIOUS: REPORT IMMEDIATELY
 - ✓ OTHERS: QUARTERLY REPORT
-



PROCEDURE 15: REPORTING FORMAT



1. GENERAL DESCRIPTION OF THE QUESTIONABLE ACTIVITY
 2. DATE, TIME, AND LOCATION
 3. INDIVIDUAL OR UNIT RESPONSIBLE
 4. SUMMARY OF THE INCIDENT – INCLUDE REFERENCES TO REGULATIONS, ETC.
 5. STATUS OF THE INVESTIGATION
 6. UPDATES
-



INTELLIGENCE OVERSIGHT CHARTER



INTELLIGENCE OVERSIGHT BOARD

SECDE

**QUARTERLY
REPORT**

Department of
Defense
General
Counsel

ATSD(IO

**POLICY AND
GUIDANCE**

**COMPLIANCE
INSPECTIONS**



ATSD(IO) WEB SITE





ATSD-IO

Order 12333 and DoD
Regulation 5240.1-R.

No Frames

WELCOME

MISSION/HISTORY

FAQ

HELPFUL IDEAS

INSPECTION/VISIT

LIBRARY

COMMENTS

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ASSISTANT
to the
Secretary of Defense for



Intelligence Oversight



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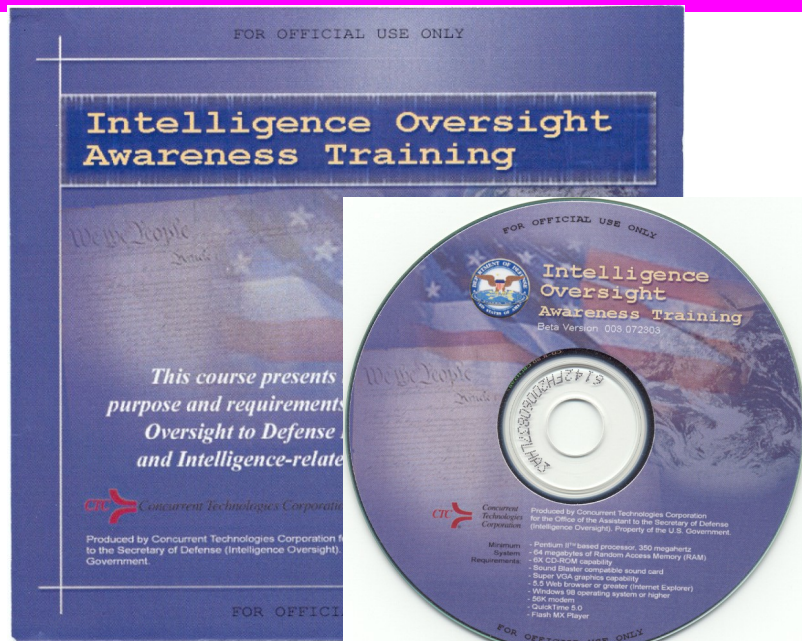
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26 May 1999

INTERNET: www.dod.mil/atstdio **SIPRNET:** www.atstdio.ismc.sgov.gov/atstdio
INTELINK (TS/SCI): www.atstdio.ismc.ic.gov/atstdio/

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Computer Based IO Training



Key Features:

- Multi-Media
- Stop/Start
- History
- Procedures 1-4, 14, 15
- Documents
- Scenarios
- Stop Light Chart
- Checklists
- Provision To Add Unit's Tailored Training
- Tracks Training
- Help Line
- Updates From Website

Available via:

CD Rom

SIPRNET:

www.atsdio.ismc.sgov.gov/atsdio

JWICS:

www.atsdio.ismc.ic.gov/atsdio

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QUESTIONS?